

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 368**

Introduced by Mello, 5.

Read first time January 16, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road;  
2 to amend sections 60-6,214, 60-6,216, 60-6,217, and  
3 60-6,218, Reissue Revised Statutes of Nebraska, and  
4 section 60-4,182, Revised Statutes Cumulative Supplement,  
5 2008; to change point system violations relating to  
6 reckless driving and willful reckless driving; to change  
7 provisions and penalties relating to willful reckless  
8 driving; and to repeal the original sections.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 60-4,182, Revised Statutes Cumulative  
2 Supplement, 2008, is amended to read:

3           60-4,182 In order to prevent and eliminate successive  
4 traffic violations, there is hereby provided a point system dealing  
5 with traffic violations as disclosed by the files of the director.  
6 The following point system shall be adopted:

7           (1) Conviction of motor vehicle homicide - 12 points;

8           (2) Third offense drunken driving in violation of any  
9 city or village ordinance or of section 60-6,196, as disclosed by  
10 the records of the director, regardless of whether the trial court  
11 found the same to be a third offense - 12 points;

12           (3) Failure to stop and render aid as required under  
13 section 60-697 in the event of involvement in a motor vehicle  
14 accident resulting in the death or personal injury of another - 6  
15 points;

16           (4) Failure to stop and report as required under section  
17 60-696 or any city or village ordinance in the event of a motor  
18 vehicle accident resulting in property damage - 6 points;

19           (5) Driving a motor vehicle while under the influence  
20 of alcoholic liquor or any drug or when such person has a  
21 concentration of eight-hundredths of one gram or more by weight of  
22 alcohol per one hundred milliliters of his or her blood or per two  
23 hundred ten liters of his or her breath in violation of any city or  
24 village ordinance or of section 60-6,196 - 6 points;

25           (6) Willful reckless driving in violation of any city or

1 village ordinance or of section 60-6,214, 60-6,216, 60-6,217, or  
2 60-6,218 ~~or 60-6,217~~ - 6 points;

3 (7) Careless driving in violation of any city or village  
4 ordinance or of section 60-6,212 - 4 points;

5 (8) Negligent driving in violation of any city or village  
6 ordinance - 3 points;

7 (9) Reckless driving in violation of any city or village  
8 ordinance or of section 60-6,213, 60-6,215, 60-6,217, or 60-6,218 -  
9 5 points;

10 (10) Speeding in violation of any city or village  
11 ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:

12 (a) Not more than five miles per hour over the speed  
13 limit - 1 point;

14 (b) More than five miles per hour but not more than ten  
15 miles per hour over the speed limit - 2 points;

16 (c) More than ten miles per hour but not more than  
17 thirty-five miles per hour over the speed limit - 3 points, except  
18 that one point shall be assessed upon conviction of exceeding by  
19 not more than ten miles per hour, two points shall be assessed  
20 upon conviction of exceeding by more than ten miles per hour but  
21 not more than fifteen miles per hour, and three points shall be  
22 assessed upon conviction of exceeding by more than fifteen miles  
23 per hour but not more than thirty-five miles per hour the speed  
24 limits provided for in subdivision (1)(e), (f), (g), or (h) of  
25 section 60-6,186; and

1 (d) More than thirty-five miles per hour over the speed  
2 limit - 4 points;

3 (11) Failure to yield to a pedestrian not resulting in  
4 bodily injury to a pedestrian - 2 points;

5 (12) Failure to yield to a pedestrian resulting in bodily  
6 injury to a pedestrian - 4 points; and

7 (13) All other traffic violations involving the operation  
8 of motor vehicles by the operator for which reports to the  
9 Department of Motor Vehicles are required under sections 60-497.01  
10 and 60-497.02, not including violations involving an occupant  
11 protection system pursuant to section 60-6,270, parking violations,  
12 violations for operating a motor vehicle without a valid operator's  
13 license in the operator's possession, muffler violations,  
14 overwidth, overheight, or overlength violations, motorcycle or  
15 moped protective helmet violations, or overloading of trucks - 1  
16 point.

17 All such points shall be assessed against the driving  
18 record of the operator as of the date of the violation for which  
19 conviction was had. Points may be reduced by the department under  
20 section 60-4,188.

21 In all cases, the forfeiture of bail not vacated shall be  
22 regarded as equivalent to the conviction of the offense with which  
23 the operator was charged.

24 The point system shall not apply to persons convicted  
25 of traffic violations committed while operating a bicycle or an

1 electric personal assistive mobility device as defined in section  
2 60-618.02.

3 Sec. 2. Section 60-6,214, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 60-6,214 Any person (1) who drives any motor vehicle in  
6 such a manner as to indicate a willful disregard for the safety of  
7 persons or property ~~shall be~~ or (2) who drives any motor vehicle  
8 at a speed in excess of one hundred miles per hour is guilty of  
9 willful reckless driving.

10 Sec. 3. Section 60-6,216, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 60-6,216 (1) Every person convicted of willful reckless  
13 driving shall, upon a first conviction, be guilty of a Class  
14 III misdemeanor, and the court shall, as part of the judgment of  
15 conviction, order such person not to drive any motor vehicle for  
16 any purpose for a period of not less than thirty days nor more  
17 than one year from the date ordered by the court and shall order  
18 that the operator's license of such person be revoked for a like  
19 period. The revocation shall be administered upon sentencing, upon  
20 final judgment of any appeal or review, or upon the date that any  
21 probation is revoked.

22 (2) If the person convicted of willful reckless driving  
23 was, as part of the willful reckless driving, operating the motor  
24 vehicle at a speed over one hundred miles per hour, the sentence  
25 shall include:

1           (a) At least one day in jail if the person was operating  
 2 the motor vehicle at a speed over one hundred miles per hour but  
 3 not over one hundred twenty miles per hour;

4           (b) At least three days in jail if the person was  
 5 operating the motor vehicle at a speed over one hundred twenty  
 6 miles per hour but not over one hundred fifty miles per hour; and

7           (c) At least five days in jail if the person was  
 8 operating the motor vehicle at a speed over one hundred fifty miles  
 9 per hour.

10           Sec. 4. Section 60-6,217, Reissue Revised Statutes of  
 11 Nebraska, is amended to read:

12           60-6,217 (1) Upon a second conviction of any person  
 13 for either reckless driving or willful reckless driving, the  
 14 person shall be guilty of a Class II misdemeanor, and the court  
 15 shall order the person so convicted, as part of the judgment of  
 16 conviction, not to drive a motor vehicle for any purpose for a  
 17 period of not less than sixty days nor more than two years from  
 18 the date ordered by the court and shall order that the operator's  
 19 license of such person be revoked for a like period. The revocation  
 20 shall be administered upon sentencing, upon final judgment of any  
 21 appeal or review, or upon the date that any probation is revoked.

22           (2) If the motor vehicle which such person was operating  
 23 in such reckless or willful reckless manner is registered in the  
 24 name of such person, the motor vehicle shall be impounded in a  
 25 reputable garage by the court for a period of not less than two

1 months nor more than one year at the expense and risk of the  
2 owner thereof, except that any motor vehicle so impounded shall  
3 be released to the holder of a bona fide lien thereon, executed  
4 prior to such impounding, when possession of such motor vehicle  
5 is requested in writing by such lienholder for the purpose of  
6 foreclosing and satisfying the lien.

7 (3) Upon a second conviction of any person for willful  
8 reckless driving, if the person convicted was, as part of the  
9 willful reckless driving, operating the motor vehicle at a speed  
10 over one hundred miles per hour, the sentence shall include:

11 (a) At least five days in jail if the person was  
12 operating the motor vehicle at a speed over one hundred miles per  
13 hour but not over one hundred twenty miles per hour;

14 (b) At least ten days in jail if the person was operating  
15 the motor vehicle at a speed over one hundred twenty miles per hour  
16 but not over one hundred fifty miles per hour; and

17 (c) At least thirty days in jail if the person was  
18 operating the motor vehicle at a speed over one hundred fifty miles  
19 per hour.

20 Sec. 5. Section 60-6,218, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 60-6,218 (1) Upon a third or subsequent conviction of  
23 any person for either reckless driving or willful reckless driving,  
24 the person shall be guilty of a Class I misdemeanor. The court  
25 shall, as part of the judgment of conviction, order such person

1 not to drive any motor vehicle for any purpose for a period  
2 of one year from the date ordered by the court and shall order  
3 that the operator's license of such person be revoked for a like  
4 period. The revocation shall be administered upon sentencing, upon  
5 final judgment of any appeal or review, or upon the date that any  
6 probation is revoked.

7 (2) Upon a third or subsequent conviction of any person  
8 for willful reckless driving, if the person convicted was, as part  
9 of the willful reckless driving, operating the motor vehicle at a  
10 speed over one hundred miles per hour, the sentence shall include:

11 (a) At least five days in jail if the person was  
12 operating the motor vehicle at a speed over one hundred miles per  
13 hour but not over one hundred twenty miles per hour;

14 (b) At least ten days in jail if the person was operating  
15 the motor vehicle at a speed over one hundred twenty miles per hour  
16 but not over one hundred fifty miles per hour; and

17 (c) At least thirty days in jail if the person was  
18 operating the motor vehicle at a speed over one hundred fifty miles  
19 per hour.

20 Sec. 6. Original sections 60-6,214, 60-6,216, 60-6,217,  
21 and 60-6,218, Reissue Revised Statutes of Nebraska, and section  
22 60-4,182, Revised Statutes Cumulative Supplement, 2008, are  
23 repealed.